

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of
Ogdensburg, New York,

Debtor.

Hearing Date: May 6, 2025

at 1:00 pm ET

Hearing Location: Alexander Pirnie
U.S. Courthouse and Federal Building 10
Broad Street, Utica, New York

Status Report Deadline for Committee: April
22, 2025

Status Report Deadline for Other Parties: April
24, 2025

Chapter 11

Case No. 23-60507 (PGR)

**DECLARATION OF KAREN B. DINE IN SUPPORT OF THE FURTHER
OBJECTION AND STATUS REPORT OF
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
WITH RESPECT TO CENTURY'S MOTION FOR ENTRY OF AN ORDER
PURSUANT TO BANKRUPTCY RULE 2004 AUTHORIZING CENTURY
TO ENFORCE THE SUBPOENA THE COMMITTEE ISSUED TO GALLAGHER**

DECLARATION OF KAREN B. DINE, ESQ.

Pursuant to 28 U.S.C. § 1746, I, Karen B. Dine, hereby submit this declaration (the
“**Declaration**”) under penalty of perjury:

1. I am of counsel at the law firm of Pachulski Stang Ziehl & Jones LLP (“**PSZJ**”) with an
office at 780 Third Ave, New York, NY 10017. I am duly admitted to practice law in the United
States District Courts for the Northern, Southern and Eastern Districts of New York.

2. I submit this Declaration in support of the *Further Objection to and Status Report of the
Official Committee of Unsecured Creditors with Respect to Century's Motion for Entry of an Order*

Pursuant to Bankruptcy Rule 2004 Authorizing Century to Enforce the Subpoena the Committee Issued to Gallagher filed concurrently herewith.

3. Counsel for the Committee has conferred with Counsel for Century in a good faith effort to resolve by agreement the issues raised by the Century 2004 Motion and counsel have been unable to reach an agreement.

4. Attached hereto at **Exhibit A** is a true and correct copy of an email on April 9, 2025 from Mr. Scharf to Mr. Kaufman (counsel to Gallagher), Mr. Schiavoni and other attorneys from O'Melveny & Meyers LLP (counsel to Century), counsel to the Diocese and counsel to certain other insurers.

5. Attached hereto at **Exhibit B** is a true and correct copy of an email on April 9, 2025, from Mr. Schiavoni to Counsel to all parties.

6. Attached hereto as **Exhibit C** is a true and correct copy of an email on April 9, 2025 from Mr. Klotz (counsel to Century) to me and copied to counsel to the parties except for counsel to Gallagher.

7. Attached hereto as **Exhibit D** is a true and correct copy of an email on April 9, 2025 from Mr. Schiavoni to counsel to the Committee and copied to counsel to the parties except for counsel to Gallagher.

8. Attached hereto as **Exhibit E** is a true and correct copy of an email on April 10, 2025 from Mr. Scharf to Mr. Schiavoni and copied to counsel to the parties except counsel to Gallagher.

9. Attached hereto as **Exhibit F** is a true and correct copy of an email on April 10, 2025, from Mr. Klotz to Mr. Scharf and copied to counsel to the parties except for counsel to Gallagher.

10. Attached hereto as **Exhibit G** is a true and correct copy of an email on April 11, 2025, from Mr. Schiavoni to Mr. Kaufman and copied to counsel to the other parties.

11. Attached hereto as **Exhibit H** is a true and correct copy of an email on April 11, 2025 from Mr. Kaufman to Mr. Schiavoni and copied to counsel to the other parties.

12. Attached hereto as **Exhibit I** is a true and correct copy of an email on April 11, 2025, from Mr. Schiavoni to Mr. Kaufman and copied to counsel to the other parties.

13. Attached hereto as **Exhibit J** is a true and correct copy of an email on April 11, 2025 from Mr. Kaufman to Mr. Schiavoni and copied to counsel to the other parties.

14. Attached hereto as **Exhibit K** is a true and correct copy of an email on April 11, 2025 from Mr. Scharf to counsel to all of the parties.

15. Attached hereto as **Exhibit L** is a true and correct copy of an email on April 11, 2025 from Mr. Schiavoni to Mr. Scharf and copied to counsel to the other parties except for counsel to Gallagher.

16. Attached hereto as **Exhibit M** is a true and correct copy of an email on April 11, 2025 from Mr. Schiavoni to Mr. Kaufman and copied to counsel to the other parties.

17. Attached hereto as **Exhibit N** is a true and correct copy of an email on April 16, 2025 from Mr. Klotz to Mr. Scharf and copied to counsel to the other parties except counsel to Gallagher.

18. Attached hereto as **Exhibit O** is a true and correct copy of an exchange of emails between Mr. Schiavoni and Mr. Scharf on April 16, 2025.

19. Attached hereto as **Exhibit P** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Kaufman copied to counsel to the other parties.

20. Attached hereto as **Exhibit Q** is a true and correct copy of an exchange of emails on April 16, 2025 between Mr. Schiavoni and Mr. Scharf.

21. Attached hereto as **Exhibit R** is a true and correct copy of an email on April 16, 2025 from Mr. Kaufman to Mr. Scharf copied to counsel to the other parties.

22. Attached hereto as **Exhibit S** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Kaufman copied to counsel to the other parties.

23. Attached hereto as **Exhibit T** is a true and correct copy of an email on April 16, 2025 from Mr. Schiavoni to Mr. Scharf copied to counsel to the other parties except for counsel to Gallagher.

24. Attached hereto as **Exhibit U** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Schiavoni copied to counsel to the other parties except counsel to Gallagher.

25. Attached hereto as **Exhibit V** is a true and correct copy of an email on April 16, 2025 from Mr. Schiavoni to Mr. Scharf copied to counsel to the other parties except counsel to Gallagher.

26. Attached hereto as **Exhibit W** is a true and correct copy of an email on April 16, 2025 from Mr. Schiavoni to Mr. Scharf copied to counsel to the other parties except counsel to Gallagher.

27. Attached hereto as **Exhibit X** is a true and correct copy of an email on April 16, 2025 from Mr. Klotz to Mr. Scharf not copied to counsel to the other parties.

28. Attached hereto as **Exhibit Y** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Klotz not copied to counsel to the other parties.

29. Attached hereto as **Exhibit Z** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Kaufman copied to all counsel to the other parties.

30. Attached hereto as **Exhibit AA** is a true and correct copy of an email on April 16, 2025 from Mr. Schiavoni to Mr. Scharf not copied to the other parties.

31. Attached hereto as **Exhibit BB** is a true and correct copy of an exchange of emails on April 16, 2025 between Mr. Scharf and Mr. Schiavoni copied to counsel to the other parties except for counsel to Gallagher.

32. Attached hereto as **Exhibit CC** is a true and correct copy of an email on April 16, 2025 from Mr. Scharf to Mr. Schiavoni copied to counsel to the other parties except for counsel to Gallagher.

33. Attached hereto as **Exhibit DD** is a true and correct copy of an email on April 16, 2025 from Mr. Klotz to Mr. Scharf not copied to the other parties.

34. Attached hereto as **Exhibit EE** is a true and correct copy of an email on April 17, 2025 from Ms. Dine to counsel to the parties except for counsel to Gallagher.

35. Attached hereto as **Exhibit FF** is a true and correct copy of an email on April 17, 2025 from Mr. Klotz to Ms. Dine copied to counsel to the parties except for counsel to Gallagher.

36. Attached hereto as **Exhibit GG** is a true and correct copy of an email on April 17, 2025 from Ms. Dine to Mr. Klotz copied to counsel to the parties except for counsel to Gallagher.

37. Attached hereto as **Exhibit HH** is a true and correct copy of an email on April 17, 2025 from Mr. Schiavoni to Mr. Scharf and Ms. Dine copied to counsel to the parties except for counsel to Gallagher.

38. Attached hereto as **Exhibit II** is a true and correct copy of an email on April 21, 2025 from Ms. Dine to Mr. Kaufman copied to counsel to the parties.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. I executed this Declaration on April 22, 2025 at New York, New York.

/s/ Karen B. Dine

Karen B. Dine, Esq.

Exhibit A

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 9, 2025 10:14 AM
To: Alan Kaufman; Karen B. Dine
Cc: Tancred Schiavoni; Adam P. Haberkorn; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Folks,

Following up on yesterday's hearing, is everyone available for a meeting at one of the following times:

1. April 10 between 2 and 5 pm ET?
2. April 11 at 9 am or 11 am?
3. April 15 between 2 and 5 pm ET?

We would like to discuss (a) confirmation of document preservation and (b) document production. We understand that there were discussions last week. However, given the cross-talk and "for the record" comments, it seems we are not all on the same page. We would like to try to get there so that we all have a clear understanding as to what will be produced, when it will be produced and what areas we still have disputes. We ask that counsel for Century participate and clarify their position.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 4, 2025 at 4:07 PM
To: Karen B. Dine <kdine@pszjlaw.com>
Cc: Tancred Schiavoni <TSchiavoni@OMM.com>, Adam P. Haberkorn <ahaberkorn@omm.com>, Ilan D. Scharf <ischarf@pszjlaw.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

Thank you for your email. Please confirm that the Committee will be covering the costs and expenses of the review and production (including attorney reviewer time).

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

NEW YORK, NY 10017

T 212.413.9016

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From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Friday, April 4, 2025 3:58 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, thank you again for your time yesterday. Further to our meet and confer, I attach a copy of the document spreadsheet, highlighting in green those documents for which we are requesting production. As we discussed, this is preliminary list, and the Committee reserves all of its rights with respect to the request of additional documents and enforcement of the subpoena.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 2, 2025 6:46 PM

To: Karen B. Dine <kdine@pszjlaw.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf

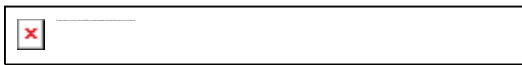
<ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>;
Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall
<nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs
<tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss
<mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Hi Karen

Nice to meet you by email. I am taking Kathleen and Rob off of this email chain.

I could speak tomorrow at 11 am if that still works.

Alan



ALAN KAUFMAN **PARTNER**
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330 MADISON AVENUE | 27TH FLOOR
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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>
Sent: Wednesday, April 2, 2025 6:30 PM
To: Karen B. Dine <kdine@pszjlaw.com>; Alan Kaufman <alan.kaufman@nelsonmullins.com>
Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn
<ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato
<donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns
<tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich
<Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell
<Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris
<hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Hi Karen,

We have decided to loop in outside counsel, Alan Kaufman, who is copied to this email. I will let him respond with his availability.

Thanks.
Kathleen

Kathleen Sanderson Litigation Counsel



Insurance | Risk Management | Consulting

kathleen_sanderson@ajg.com

630.285.3491

www.ajg.com

2850 Golf Road, Rolling Meadows, IL 60008

From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Wednesday, April 2, 2025 2:24 PM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

[EXTERNAL]

Kathleen, are you available for a meet and confer at 11:00 am Eastern tomorrow? If so, please let me know and I will circulate a zoom.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Sent: Tuesday, April 1, 2025 4:44 PM

To: Karen B. Dine <kdine@pszjlaw.com>

Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris

<hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen,

Gallagher objects generally to your request for documents, particularly given the fact that your below request comes almost a year after the service of your subpoena and our subsequent meet and confer.

However, I am willing to meet and confer with the parties and am generally available to do so Thursday or Friday afternoon or early next week.

Sincerely,
Kathleen

On Mar 25, 2025, at 3:27 PM, Karen B. Dine <kdine@pszjlaw.com> wrote:

[EXTERNAL]

Kathleen, thank you for your message regarding your availability to respond to the below request. Please let us know on or before Tuesday, April 1, 2025 at 5:00 pm Eastern whether Gallagher will produce the requested documents. Regards, Karen

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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KDine@pszjlaw.com

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<001.jpg>

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From: Karen B. Dine

Sent: Thursday, March 20, 2025 10:09 AM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D.

Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara

<temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns

<tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Minarovich, Siobhain

<Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Russell, Jordan

<Jordan.Russell@clydeco.us>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>;

Harris Winsberg <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

On behalf of the Committee in the bankruptcy case of the Diocese of Ogdensburg (the "Diocese"), in connection with the subpoena issued to Arthur J Gallagher and Co. and Gallagher Bassett Services, Inc. (together "Gallagher"), we are requesting production of all of the Documents on the attached spreadsheet. Additionally, the Committee requests production of any (i) correspondence from the Diocese asking that Gallagher put in place a litigation hold, (ii) Documents relating to any litigation hold

issued by Gallagher, and (iii) any document retention and destruction policies applicable to the Documents associated with the Diocese.

Please let us know on or before Monday, March 24, 2025 at 5:00 pm Eastern whether Gallagher will produce the requested documents.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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<image001.jpg>

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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Sent: Friday, May 24, 2024 12:04 PM

To: Karen B. Dine <kdine@pszjlaw.com>; Nathan J. Hall <nhall@pszjlaw.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

All,

As discussed during our meet and confer earlier today, please find attached a spreadsheet of documents available within Gallagher's brokerage division's document management database related to the Diocese of Ogdensburg.

I look forward to working with you all.

Sincerely,
Kathleen

From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Tuesday, May 21, 2024 8:12 AM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Nathan J. Hall <nhall@pszjlaw.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

[EXTERNAL]

Kathleen, apologies for the delay in responding. I have surveyed availability for a meet and confer- are you available this Friday morning? Would 11:00 am Eastern work?

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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<image001.jpg>

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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Sent: Friday, May 17, 2024 2:25 PM

To: Nathan J. Hall <nhall@pszjlaw.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Karen B. Dine <kdine@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

All,

We are in receipt of the subpoena issued to Arthur J Gallagher and Co. and Gallagher Bassett Services, Inc. (together "Gallagher") in the above referenced litigation. We send this email to confirm receipt, and preserve objections to the subpoena.

Gallagher objects to the subpoena to the extent it fails to describe the documents sought with reasonable particularity, is vague, overly broad, unduly burdensome, and seeks to elicit information/documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Additionally, the subpoena imposes a burden on Gallagher, a non-party, which is out of proportion to any potential relevance the requested documents may have. A litigant is generally required to take affirmative steps to minimize the burden and expense to a third party, such as Gallagher. *See, e.g., Amerimax Real Estate Partners v. Re/Max Int'l*, 2008 U.S. Dist. LEXIS 86970, at *4 (N.D. Ill. 2008).

Specifically, Gallagher objects to the subpoena to the extent it calls for

"all insurance policies or portions of insurance policies issued by...any...insurer to the Diocese of Ogdensburg, and any other documents that refer to the issuance of insurance policies to the Diocese of Ogdensburg." Gallagher has placed all lines of property and casualty coverage for this insured for more than ten years. Not all lines of coverage are applicable to the litigation at hand. Moreover, as an insurance broker and TPA, almost every document in our client file "refers to the issuance of insurance policies" for an insured. This request is unduly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

"all policy charts, spreadsheets listing policies, and other documents that describe or pictorially present the Diocese of Ogdensburg's insurance coverage program from 1940 to present." Gallagher has placed all lines of property and casualty coverage for this insured for more than ten years. Not all lines of coverage are applicable to the litigation at hand. This request is unduly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

“all documents concerning the Diocese of Ogdensburg’s self-insurance program and risk retention coverage or agreements for sexual molestation claims.” A request for all documents concerning insurance, when requested of an insurance broker and TPA, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case, even when limited to coverage for one type of claims.

“all documents describing the Bishop’s Program of insurance” – a request for documents related to an insurance program that is not specific to a single insured, or the insured at issue in the litigation, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

“all documents concerning claims asserted against the Diocese of Ogdensburg alleging that the Diocese of Ogdensburg is responsible for monetary damages related to sexual abuse.” A request for “all documents” related to a topic as directed to a non-party, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case. Moreover, Gallagher objects generally to the extent this request calls for documents containing privileged or confidential information.

“documents exchanged concerning the destruction, discarding or lack of retention of documents concerning sexual abuse.” This request is not tailored to a specific insured, time frame, line of coverage, Gallagher custodian, etc. and is therefore overly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

Notwithstanding the above objections, my colleague Rob Browne and I are willing to meet and confer to discuss the scope of your request for documents. Please reach out at your convenience to schedule a meet and confer.

Sincerely,
Kathleen

Kathleen Sanderson Litigation Counsel

<image002.png>

kathleen_sanderson@ajg.com

630.285.3491

www.ajg.com

2850 Golf Road, Rolling Meadows, IL 60008

From: Nathan J. Hall <nhall@pszjlaw.com>

Sent: Friday, May 3, 2024 2:17 PM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D.

Scharf <ischarf@pszjlaw.com>; Karen B. Dine <kdine@pszjlaw.com>; csullivan@bsk.com; Donato,

Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Nathan J. Hall <nhall@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

[EXTERNAL]

Please see the attached subpoena served on Arthur J. Gallagher and Co. and Gallagher Bassett Services, Inc.

Nathan Hall
Paralegal

Pachulski Stang Ziehl & Jones LLP

Tel: 212.561.7700 | Fax: 212.561.7777

nhall@pszjlaw.com

<image001.jpg>

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Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

Exhibit B

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 9, 2025 10:51 AM
To: Ilan D. Scharf; Alan Kaufman; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

The document retention and destruction documents should be turn over Monday.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 9, 2025 10:14 AM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Schiavoni, Tancred <tschiavoni@omm.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Folks,

Following up on yesterday's hearing, is everyone available for a meeting at one of the following times:

1. April 10 between 2 and 5 pm ET?
2. April 11 at 9 am or 11 am?
3. April 15 between 2 and 5 pm ET?

We would like to discuss (a) confirmation of document preservation and (b) document production. We understand that there were discussions last week. However, given the cross-talk and "for the record" comments, it seems we are not all on the same page. We would like to try to get there so that we all have a clear understanding as to what will be produced, when it will be produced and what areas we still have disputes. We ask that counsel for Century participate and clarify their position.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 4, 2025 at 4:07 PM
To: Karen B. Dine <kdine@pszjlaw.com>

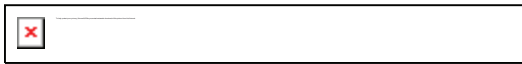
Cc: Tancred Schiavoni <TSchiavoni@OMM.com>, Adam P. Haberkorn <ahaberkorn@omm.com>, Ilan D. Scharf <ischarf@pszjlaw.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen

Thank you for your email. Please confirm that the Committee will be covering the costs and expenses of the review and production (including attorney reviewer time).

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

NEW YORK, NY 10017

T 212.413.9016

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From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Friday, April 4, 2025 3:58 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, thank you again for your time yesterday. Further to our meet and confer, I attach a copy of the document spreadsheet, highlighting in green those documents for which we are requesting production. As we discussed, this is preliminary list, and the Committee reserves all of its rights with respect to the request of additional documents and enforcement of the subpoena.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7731

Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 2, 2025 6:46 PM

To: Karen B. Dine <kdine@pszjlaw.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

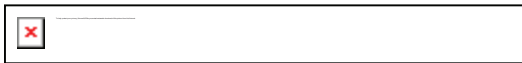
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Hi Karen

Nice to meet you by email. I am taking Kathleen and Rob off of this email chain.

I could speak tomorrow at 11 am if that still works.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Sent: Wednesday, April 2, 2025 6:30 PM

To: Karen B. Dine <kdine@pszjlaw.com>; Alan Kaufman <alan.kaufman@nelsonmullins.com>

Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris

<hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Hi Karen,

We have decided to loop in outside counsel, Alan Kaufman, who is copied to this email. I will let him respond with his availability.

Thanks.
Kathleen

Kathleen Sanderson Litigation Counsel



Insurance | Risk Management | Consulting

kathleen_sanderson@ajg.com

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2850 Golf Road, Rolling Meadows, IL 60008

From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Wednesday, April 2, 2025 2:24 PM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

[EXTERNAL]

Kathleen, are you available for a meet and confer at 11:00 am Eastern tomorrow? If so, please let me know and I will circulate a zoom.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7731

Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

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From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>
Sent: Tuesday, April 1, 2025 4:44 PM
To: Karen B. Dine <kdine@pszjlaw.com>
Cc: Rob Browne <Rob_Browne@gbtpa.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Adam P. Haberkorn <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen,

Gallagher objects generally to your request for documents, particularly given the fact that your below request comes almost a year after the service of your subpoena and our subsequent meet and confer.

However, I am willing to meet and confer with the parties and am generally available to do so Thursday or Friday afternoon or early next week.

Sincerely,
Kathleen

On Mar 25, 2025, at 3:27 PM, Karen B. Dine <kdine@pszjlaw.com> wrote:

[EXTERNAL]

Kathleen, thank you for your message regarding your availability to respond to the below request. Please let us know on or before Tuesday, April 1, 2025 at 5:00 pm Eastern whether Gallagher will produce the requested documents. Regards, Karen

Karen B. Dine
Pachulski Stang Ziehl & Jones LLP
Direct Dial: 212.561.7731
Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777
KDine@pszjlaw.com
[vCard](#) | [Bio](#)

<image001.jpg>

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From: Karen B. Dine
Sent: Thursday, March 20, 2025 10:09 AM
To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Rob Browne <Rob_Browne@gbtpa.com>
Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Minarovich, Siobhain

<Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Russell, Jordan
<Jordan.Russell@clydeco.us>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>;
Harris Winsberg <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>
Subject: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

On behalf of the Committee in the bankruptcy case of the Diocese of Ogdensburg (the "Diocese"), in connection with the subpoena issued to Arthur J Gallagher and Co. and Gallagher Bassett Services, Inc. (together "Gallagher"), we are requesting production of all of the Documents on the attached spreadsheet. Additionally, the Committee requests production of any (i) correspondence from the Diocese asking that Gallagher put in place a litigation hold, (ii) Documents relating to any litigation hold issued by Gallagher, and (iii) any document retention and destruction policies applicable to the Documents associated with the Diocese.

Please let us know on or before Monday, March 24, 2025 at 5:00 pm Eastern whether Gallagher will produce the requested documents.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

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Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

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<image001.jpg>

Los Angeles | San Francisco | Wilmington, DE | New York | Houston

From: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>

Sent: Friday, May 24, 2024 12:04 PM

To: Karen B. Dine <kdine@pszjlaw.com>; Nathan J. Hall <nhall@pszjlaw.com>; Rob Browne
<Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

All,

As discussed during our meet and confer earlier today, please find attached a spreadsheet of documents available within Gallagher's brokerage division's document management database related to the Diocese of Ogdensburg.

I look forward to working with you all.

Sincerely,
Kathleen

From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Tuesday, May 21, 2024 8:12 AM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Nathan J. Hall <nhall@pszjlaw.com>; Rob

Browne <Rob.Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Sheehan, Brendan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

[EXTERNAL]

Kathleen, apologies for the delay in responding. I have surveyed availability for a meet and confer- are you available this Friday morning? Would 11:00 am Eastern work?

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7731

Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

[vCard](#) | [Bio](#)

<image001.jpg>

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From: Kathleen Sanderson <Kathleen.Sanderson@ajg.com>

Sent: Friday, May 17, 2024 2:25 PM

To: Nathan J. Hall <nhall@pszjlaw.com>; Rob Browne <Rob.Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Karen B. Dine <kdine@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

All,

We are in receipt of the subpoena issued to Arthur J Gallagher and Co. and Gallagher Bassett Services, Inc. (together "Gallagher") in the above referenced litigation. We send this email to confirm receipt, and preserve objections to the subpoena.

Gallagher objects to the subpoena to the extent it fails to describe the documents sought with reasonable particularity, is vague, overly broad, unduly burdensome, and seeks to elicit information/documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Additionally, the subpoena imposes a burden on Gallagher, a non-party, which is out of proportion to any potential relevance the requested documents may have. A litigant is generally required to take affirmative steps to minimize the burden and expense to a third party, such as Gallagher. *See, e.g., Amerimax Real Estate Partners v. Re/Max Int'l*, 2008 U.S. Dist. LEXIS 86970, at *4 (N.D. Ill. 2008).

Specifically, Gallagher objects to the subpoena to the extent it calls for

"all insurance policies or portions of insurance policies issued by...any...insurer to the Diocese of Ogdensburg, and any other documents that refer to the issuance of insurance policies to the

Diocese of Ogdensburg.” Gallagher has placed all lines of property and casualty coverage for this insured for more than ten years. Not all lines of coverage are applicable to the litigation at hand. Moreover, as an insurance broker and TPA, almost every document in our client file “refers to the issuance of insurance policies” for an insured. This request is unduly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

“all policy charts, spreadsheets listing policies, and other documents that describe or pictorially present the Diocese of Ogdensburg’s insurance coverage program from 1940 to present.”

Gallagher has placed all lines of property and casualty coverage for this insured for more than ten years. Not all lines of coverage are applicable to the litigation at hand. This request is unduly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

“all documents concerning the Diocese of Ogdensburg’s self-insurance program and risk retention coverage or agreements for sexual molestation claims.” A request for all documents concerning insurance, when requested of an insurance broker and TPA, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case, even when limited to coverage for one type of claims.

“all documents describing the Bishop’s Program of insurance” – a request for documents related to an insurance program that is not specific to a single insured, or the insured at issue in the litigation, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

“all documents concerning claims asserted against the Diocese of Ogdensburg alleging that the Diocese of Ogdensburg is responsible for monetary damages related to sexual abuse.” A request for “all documents” related to a topic as directed to a non-party, is overly burdensome, not narrowly tailored, and not proportionate to the needs of the case. Moreover, Gallagher objects generally to the extent this request calls for documents containing privileged or confidential information.

“documents exchanged concerning the destruction, discarding or lack of retention of documents concerning sexual abuse.” This request is not tailored to a specific insured, time frame, line of coverage, Gallagher custodian, etc. and is therefore overly burdensome, not narrowly tailored, and not proportionate to the needs of the case.

Notwithstanding the above objections, my colleague Rob Browne and I are willing to meet and confer to discuss the scope of your request for documents. Please reach out at your convenience to schedule a meet and confer.

Sincerely,
Kathleen

Kathleen Sanderson Litigation Counsel

<image002.png>

kathleen_sanderson@ajg.com

630.285.3491

www.ajg.com

2850 Golf Road, Rolling Meadows, IL 60008

From: Nathan J. Hall <nhall@pszjlaw.com>

Sent: Friday, May 3, 2024 2:17 PM

To: Kathleen Sanderson <Kathleen_Sanderson@ajg.com>; Rob Browne <Rob_Browne@gbtpa.com>

Cc: Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Karen B. Dine <kdine@pszjlaw.com>; csullivan@bsk.com; Donato, Stephen <donatos@bsk.com>; Temes, Sara <temess@bsk.com>; Nathan J. Hall <nhall@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Great American Assurance Co.

[EXTERNAL]

Please see the attached subpoena served on Arthur J. Gallagher and Co. and Gallagher Bassett Services, Inc.

Nathan Hall
Paralegal
Pachulski Stang Ziehl & Jones LLP
Tel: 212.561.7700 | Fax: 212.561.7777
nhall@pszjlaw.com

<image001.jpg>

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Exhibit C

Karen B. Dine

From: Klotz, Michael <mklotz@omm.com>
Sent: Wednesday, April 9, 2025 4:32 PM
To: Karen B. Dine
Cc: Tancred Schiavoni; Haberkorn, Adam P.; Saleh, Redwan; Ilan D. Scharf; csullivan@bsk.com; Donato, Stephen; Temes, Sara; Sheehan, Brendan; Timothy Burns; Nathan J. Hall; Minarovich, Siobhain; Todd C. Jacobs; Russell, Jordan; catalina.sugayan@clydeco.us; Matt M. Weiss; Harris Winsberg; Nathan Kuenzi; Jeffrey M. Dine
Subject: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Karen,

I'm writing to follow up regarding the Committee's subpoena to Gallagher in *Diocese of Ogdensburg*. First, Gallagher has objected and refused to produce its document retention policies in response to the subpoena. Gallagher's counsel (Alan Kaufman) represented at the April 3 meet-and-confer and at yesterday's hearing that he is not aware of any duty of a third party to produce its document retention policy, and requested case law to the contrary. Document retention policies are generally discoverable and certainly where, as here, there are concerns regarding spoliation. *See In re: Takata Airbag Prods. Liab. Litig.*, 2017 WL 8812734 at *3-4 (S.D. Fla. July 5, 2017) (collecting cases); *see also Genon Mid-Atlantic, LLC v. Stone & Webster, Inc.*, 282 F.R.D. 346 (2012) (denying sanctions where third-party spoliation caused no prejudice). As you and Ilan communicated previously, the distinction between parties and non-parties should not be material under Fed. R. Bankr. P. 2004. But even in non-bankruptcy litigation, document retention policies are discoverable pursuant to a subpoena. *See In re Application of Oasis Core Investments Fund Ltd.*, 2024 WL 472984 at *3 (Feb. 7, 2024) (authorizing discovery of document retention policies which were "relevant to [its] compliance with the subpoenas"). For all of these reasons, Gallagher's document retention policies are discoverable in this action, and the Committee should promptly request that Gallagher produce them or, if not, then move to compel as the Committee has agreed to do.

Second, we have asked that Gallagher produce a copy of the litigation hold in this action and it has not done so. Mr. Kaufman was not reassuring at yesterday's hearing that Gallagher has instituted a litigation hold and all responsive documents are being preserved. We ask the Committee to promptly request that Gallagher confirm in writing that each entity (Arthur J. Gallagher and Co. and Gallagher Bassett Services, Inc.) has instituted a litigation hold and provide the date when the litigation hold became effective.

Finally, we are available to participate in a further meet-and-confer to discuss Gallagher's response to the subpoena. As we have previously raised, there are a number of threshold issues that still need to be addressed including: (i) Gallagher's May 17, 2024 objections to the subpoena, and its current position on these objections (the basis for asserting each objection, and whether Gallagher continues to assert the objection or if it has been withdrawn); (ii) the relevant repositories of physical documents (including off-site storage) and electronic documents that Gallagher has in its possession, custody or control; (iii) the information provided in the inventory sheet that Gallagher produced to the Committee on May 24, 2024; (iv) the specific document requests in the subpoena from the Committee, and whether or not Gallagher agrees to search for and produce responsive documents for each request.

Best,

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

O'Melveny & Myers LLP

1301 Avenue of the Americas, Suite 1700

New York, NY 10019

[Website](#) | [LinkedIn](#) | [Twitter](#)

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Exhibit D

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 9, 2025 4:41 PM
To: Karen B. Dine
Cc: Haberkorn, Adam P.; Klotz, Michael; csullivan@bsk.com; Stephen A. Donato; Stephenie Bross; Brendan Sheehan; Timothy Burns; Jesse Bair 2; Nathan Kuenzi; Siobhain Minarovich; Todd Jacobs; James Stang; catalina.sugayan@clydeco.us; Matt M. Weiss; Harris Winsberg Parker Hudson Rainer
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

It would be more efficient at this point if Gallagher is given three days to get back to the Committee in writing on whether it will withdraw its written objections and if not all of them which ones and to give us a date by which its document retention and destruction documents will be produced and the company will produce a custodian of records witness for deposition

Exhibit E

Karen B. Dine

From: Ilan D. Scharf
Sent: Thursday, April 10, 2025 10:09 AM
To: Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; Klotz, Michael; csullivan@bsk.com; Stephen A. Donato; Stephenie Bross; Brendan Sheehan; Timothy Burns; Jesse Bair 2; Nathan Kuenzi; Siobhain Minarovich; Todd Jacobs; James Stang; catalina.sugayan@clydeco.us; Matt M. Weiss; Harris Winsberg Parker Hudson Rainer Dobbs LLP; Nathan J. Hall; Jeffrey M. Dine
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher
Attachments: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher.eml

Tanc,

Respectfully, I think that email barrages are not an efficient way to move forward. I am prepared to walk through all of the issues you, we and anyone else has in this matter. Let's try to accomplish the following:

1. Receive assurances that documents are being preserved. This was the principle issue Judge Radel focused on. And, since you raised the concern in good faith, we want to make sure that we are all comfortable that the documents are preserved.
2. Discuss whether and to what extent the Gallagher entities will or will not withdraw written objections.
3. Obtain clarification of the documents listed on the spreadsheet provided by Gallagher, as Century requested.
4. Obtain custodians and search terms for electronic records as already agreed by the parties.
5. Discuss the who will pay for the document production.
6. Discuss an appropriate method to understand Gallagher's document retention process, policies and extent, including production of policies, litigations holds, and/or custodian interviews or depositions.

Per Mr. Klotz's email (copy attached) it seems you are available to discuss these matters.

We will circulate an invite for April 15 at 2 pm ET assuming that time works for you and Mr. Kaufman.

Regards,

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 9, 2025 at 4:40 PM
To: Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Klotz, Michael <mklotz@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen A. Donato <sdonato@bsk.com>, Stephenie Bross <sbross@sssfirm.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Jesse Bair 2 <jbair@burnsbair.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd Jacobs <tjacobs@phrd.com>, James Stang <jstang@pszjlaw.com>, catalina.sugayan@clydeco.us <catalina.sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>, Ilan D.

Scharf <ischarf@pszjlaw.com>, Nathan J. Hall <nhall@pszjlaw.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

It would be more efficient at this point if Gallagher is given three days to get back to the Committee in writing on whether it will withdraw its written objections and if not all of them which ones and to give us a date by which its document retention and destruction documents will be produced and the company will produce a custodian of records witness for deposition

Exhibit F

Karen B. Dine

From: Klotz, Michael <mklotz@omm.com>
Sent: Thursday, April 10, 2025 12:19 PM
To: Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen A. Donato; Stephenie Bross; Brendan Sheehan; Timothy Burns; Jesse Bair 2; Nathan Kuenzi; Siobhain Minarovich; Todd Jacobs; James Stang; catalina.sugayan@clydeco.us; Matt M. Weiss; Harris Winsberg Parker Hudson Rainer Dobbs LLP; Nathan J. Hall; Jeffrey M. Dine; Tancred Schiavoni; Karen B. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I'm available to attend the meet-and-confer for Century on April 15th at 2pm if that works for Mr. Kaufman. In my email yesterday, I requested that the Committee ask Gallagher for a written representation that a litigation hold is in place and specify when it was made effective. As a result, for point 1 below Century believes that the assurances sought should be in writing so that the record is clear. For point 6 below, I sent the Committee legal authority yesterday establishing that Gallagher's document retention policies are discoverable. The Committee has started clearly that it will move to compel Gallagher's document retention policies if they are not produced. Please let us know if this is incorrect. Judge Radel made clear at the April 8 hearing that he is concerned about spoliation, and Century strongly believes that the document retention policies should be produced and that we need to have a written record of what has happened in terms of document preservation since Gallagher received the subpoena.

For point 4 below, I've raised previously that we should ask Gallagher to identify the electronic platform they will be searching so that we know the applicable search syntax and can draft effective search terms. More fundamentally, it is important to ask Gallagher to identify all relevant document repositories—including physical off-site storage—in order to understand where responsive documents may be located. Note that request #7 of the subpoena seeks "The list of boxes, files or other documents maintained in storage associated with the Diocese of Ogdensburg." This is a straightforward request and we expect that Gallagher organizes its records by client.

We think the meet-and-confer will be most effective if you share with Mr. Kaufman the items the Committee plans to address at the meet-and-confer in advance so that he can prepare responses from his client. As Tanc requested yesterday, Gallagher should be asked to respond in writing following the meet-and-confer about whether it is withdrawing any of its objections, the date by which its document retention policies will be produced, and if it agrees to produce a custodian of records witness for deposition.

Best,

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

O'Melveny & Myers LLP

1301 Avenue of the Americas, Suite 1700
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[Website](#) | [LinkedIn](#) | [Twitter](#)

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Thursday, April 10, 2025 10:09 AM

To: Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Klotz, Michael <mklotz@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephenie Bross <sbross@sssfirm.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs <tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall <nhall@pszjlaw.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tanc,

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Regards,

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>

Date: Wednesday, April 9, 2025 at 4:40 PM

To: Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Klotz, Michael <mklotz@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen A. Donato <sdonato@bsk.com>, Stephenie Bross <sbross@sssfirm.com>,

Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Jesse Bair 2
<jbair@burnsbair.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Siobhain Minarovich
<Minarovichs@whiteandwilliams.com>, Todd Jacobs <tjacobs@phrd.com>, James Stang
<jstang@pszilaw.com>, catalina.sugayan@clydeco.us <catalina.sugayan@clydeco.us>, Matt M. Weiss
<mweiss@phrd.com>, Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>, Ilan D.
Scharf <ischarf@pszilaw.com>, Nathan J. Hall <nhall@pszilaw.com>, Jeffrey M. Dine <jdine@pszilaw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

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Exhibit G

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 5:48 PM
To: Alan Kaufman; Karen B. Dine; Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

We are writing to ask you again to please produce Gallagher's document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any. If you are refusing to do so, as you have indicated, that is by your acknowledgement the end of that portion of the meet and confer and a motion can go forward on this issue. Will Gallagher change its position and comply, Yes – No?

How and where does Gallagher's research show that the documents generated while it served as Administrator of the Insurance Dept were stored? Were paper copies set to off site storage? Does Gallagher still store documents at Iron Mountain? Has Gallagher checked its off site storage facilities for documents concerning its work for the Diocese? Was Gallagher asked to send any responsive documents to the Diocese?

Exhibit H

Karen B. Dine

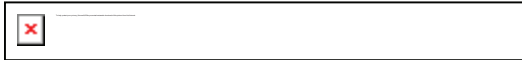
From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Friday, April 11, 2025 5:59 PM
To: Tancred Schiavoni; Karen B. Dine; Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tancred

I am not going to litigate by email and have already gone over these issues with everyone multiple times. Further, these entities are non-parties and there is an obligation here to avoid undue burden.

I am happy to participate in another call, but am trying to make certain that all parties are willing to do so meaningfully and in good faith.

Alan



ALAN KAUFMAN **PARTNER**
alan.kaufman@nelsonmullins.com
330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017
T 212.413.9016
NELSONMULLINS.COM **VCARD** **VIEW BIO**

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 5:48 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

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acknowledgement the end of that portion of the meet and confer and a motion can go forward on this issue. Will Gallagher change its position and comply, Yes – No?

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Exhibit I

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 6:20 PM
To: Alan Kaufman; Karen B. Dine; Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

Exhibit J

Karen B. Dine

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Friday, April 11, 2025 6:26 PM
To: Tancred Schiavoni; Karen B. Dine; Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 6:20 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

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Exhibit K

Karen B. Dine

From: Ilan D. Scharf
Sent: Friday, April 11, 2025 6:27 PM
To: Alan Kaufman; Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Folks,

We have a meet and confer scheduled for next Tuesday. These topics are appropriate to address at that time rather than by further emails.

I hope everyone has a nice and meaningful Easter and/or Passover weekend.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 11, 2025 at 6:01 PM
To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bshiehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>
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NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

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Sent: Friday, April 11, 2025 5:48 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <cugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

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How and where does Gallagher's research show that the documents generated while it served as Administrator of the Insurance Dept were stored? Were paper copies set to off site storage? Does Gallagher still store documents at Iron Mountain? Has Gallagher checked its off site storage facilities for documents concerning its work for the Diocese? Was Gallagher asked to send any responsive documents to the Diocese?

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Exhibit L

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 6:39 PM
To: Ilan D. Scharf; Alan Kaufman; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

We object to the Committee abandoning any meaningful effort to enforce the subpoena.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Friday, April 11, 2025 6:27 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Folks,

We have a meet and confer scheduled for next Tuesday. These topics are appropriate to address at that time rather than by further emails.

I hope everyone has a nice and meaningful Easter and/or Passover weekend.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 11, 2025 at 6:01 PM
To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>,

Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us
<Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris
<hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine
<jdine@pszjlaw.com>

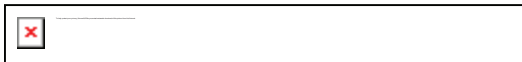
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tancred

I am not going to litigate by email and have already gone over these issues with everyone multiple times. Further, these entities are non-parties and there is an obligation here to avoid undue burden.

I am happy to participate in another call, but am trying to make certain that all parties are willing to do so meaningfully and in good faith.

Alan



ALAN KAUFMAN **PARTNER**
alan.kaufman@nelsonmullins.com
330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017
T 212.413.9016
NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 5:48 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf
<ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara
Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan
J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs
<tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss
<mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M.
Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

We are writing to ask you again to please produce Gallagher's document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any. If you are refusing to do so, as you have indicated, that is by your acknowledgement the end of that portion of the meet and confer and a motion can go forward on this issue. Will Gallagher change its position and comply, Yes – No?

How and where does Gallagher's research show that the documents generated while it served as Administrator of the Insurance Dept were stored? Were paper copies set to off site storage? Does Gallagher still store documents at Iron Mountain? Has Gallagher checked its off site storage facilities for documents

concerning its work for the Diocese? Was Gallagher asked to send any responsive documents to the Diocese?

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Exhibit M

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Friday, April 11, 2025 6:42 PM
To: Alan Kaufman; Ilan D. Scharf; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Nathan J. Hall; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

We need Gallagher to produce its document retention and destruction documents. This can't wait past Monday.

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Friday, April 11, 2025 6:30 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Friday, April 11, 2025 6:28 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

Exhibit N

Karen B. Dine

From: Klotz, Michael <mklotz@omm.com>
Sent: Wednesday, April 16, 2025 11:33 AM
To: Ilan D. Scharf
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen A. Donato; Stephenie Bross; Brendan Sheehan; Timothy Burns; Jesse Bair 2; Nathan Kuenzi; Siobhain Minarovich; Todd Jacobs; James Stang; catalina.sugayan@clydeco.us; Matt M. Weiss; Harris Winsberg Parker Hudson Rainer Dobbs LLP; Nathan J. Hall; Jeffrey M. Dine; Tancred Schiavoni; Karen B. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

At yesterday's meet-and-confer with Gallagher, the Diocese (Brendan Sheehan) represented that it never issued a litigation hold to Gallagher and Gallagher's counsel (Alan Kaufman) confirmed that he never received one. You asked Gallagher to provide a written representation that documents have been preserved since the Committee served them with a subpoena, and Mr. Kaufman responded that he did not understand why that was necessary. You stated that the Committee no longer plans to file a motion to compel Gallagher's document retention policies (despite having clearly stated previously that the Committee would do so), and that instead the Committee plans to review whatever written representations Gallagher makes about document preservation and then decide how to proceed. Mr. Kaufman stated yesterday that he could not guarantee that no responsive documents have been destroyed since Gallagher received the subpoena. At the April 8 hearing, Mr. Kaufman said that he does not believe that Gallagher can be compelled to institute a litigation hold, and he also stated that based upon his research no cause of action exists against a non-party for spoliation. All of this is extremely concerning and Century strongly believes that Gallagher must be required to produce its document retention policies so that we can understand its practice of preserving documents and assess what spoliation may have occurred. As I stated yesterday, among other reasons the document retention policies are relevant to determine how Gallagher handled insurance contracts in its possession and whether it had a policy to preserve them.

Mr. Kaufman said yesterday that as far as he is aware Gallagher only has one box of physical documents relating to the Diocese of Ogdensburg which it has already produced, but he acknowledged he is new to this matter. Gallagher has been the insurance broker for the Diocese for fifty years, and as I said at the meet-and-confer yesterday it would be surprising if that was the extent of the documents in its possession. I've raised several times, and said again yesterday, that Gallagher should be required to identify all repositories of documents that may be responsive to the subpoena including those in off-site storage in order to assess what documents it has that may be responsive. We have not received any response to this request and the Committee should demand that Gallagher answer the question of what documents it has in its possession and where they are.

The Diocese communicated yesterday that it has identified two potential document custodians (Harry Granger and Ed Kenyon) at Gallagher Bassett although both of these individuals are believed to be deceased. Mr. Kaufman said that he is awaiting search terms from the Diocese in order to run a search for responsive documents.

Gallagher has expressed a willingness to produce some documents from the inventory list that it produced on May 24, 2024. Mr. Kaufman said yesterday that this list is from Arthur J. Gallagher's document management system (DMS) and we discussed three documents (at rows 195, 227 and 290) that appear to be responsive to the subpoena because they reference "Excess Sexual Misconduct Confirmation of Binding with carrier – no errors 6/29," "Fiduciary and Crime submission to carrier," and "Answers to questions from TNCRRG [The National

Catholic Risk Retention Group]” respectively. I asked Mr. Kaufman if we could schedule a short discussion with a person at Gallagher who is knowledgeable about their document management to explain the information on the inventory so that we can try and understand the inventory and determine what other documents are responsive. He said he is not willing to do that and noted that the Committee sent him a copy of the inventory where various documents had been highlighted for production. I communicated that this list was sent to Gallagher by the Committee without input from Century, and we have not received an explanation of how those documents were selected.

As I expressed yesterday, Century believes that selecting documents on a piecemeal basis without understanding what the documents are will be wasteful and is likely to result in unnecessary expense and additional burden for all parties. The Committee should require Gallagher to produce its document retention policies and make available a witness who is knowledgeable about its document retention practices and policies. Gallagher should be asked to identify where it stores documents that may be responsive to the subpoena (including those stored off-site) so that we can understand what documents exist.

Gallagher has asked to be reimbursed for the expense of responding to the subpoena, and yesterday you communicated that the Committee will ask Century and the Diocese to reimburse Gallagher on an equal 50%/50% basis for the cost of responding to the subpoena that the Committee itself served over Century’s objection.

I’m available to discuss these issues further tomorrow at 3pm (or later) or on Monday, April 21 in the afternoon.

Michael

O’Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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From: Klotz, Michael

Sent: Thursday, April 10, 2025 12:19 PM

To: 'Ilan D. Scharf' <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephenie Bross <sbross@sssfirm.com>; Brendan Sheehan <bshsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs <tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall <nhall@pszjlaw.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I'm available to attend the meet-and-confer for Century on April 15th at 2pm if that works for Mr. Kaufman. In my email yesterday, I requested that the Committee ask Gallagher for a written representation that a litigation hold is in place and specify when it was made effective. As a result, for point 1 below Century believes that the assurances sought should be in writing so that the record is clear. For point 6 below, I sent the Committee legal authority yesterday establishing that Gallagher's document retention policies are discoverable. The Committee has started clearly that it will move to compel Gallagher's document retention policies if they are not produced. Please let us know if this is incorrect. Judge Radel made clear at the April 8 hearing that he is concerned about spoliation, and Century strongly believes that the document retention policies should be produced and that we need to have a written record of what has happened in terms of document preservation since Gallagher received the subpoena.

For point 4 below, I've raised previously that we should ask Gallagher to identify the electronic platform they will be searching so that we know the applicable search syntax and can draft effective search terms. More fundamentally, it is important to ask Gallagher to identify all relevant document repositories—including physical off-site storage—in order to understand where responsive documents may be located. Note that request #7 of the subpoena seeks "The list of boxes, files or other documents maintained in storage associated with the Diocese of Ogdensburg." This is a straightforward request and we expect that Gallagher organizes its records by client.

We think the meet-and-confer will be most effective if you share with Mr. Kaufman the items the Committee plans to address at the meet-and-confer in advance so that he can prepare responses from his client. As Tanc requested yesterday, Gallagher should be asked to respond in writing following the meet-and-confer about whether it is withdrawing any of its objections, the date by which its document retention policies will be produced, and if it agrees to produce a custodian of records witness for deposition.

Best,

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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1301 Avenue of the Americas, Suite 1700
New York, NY 10019
[Website](#) | [LinkedIn](#) | [Twitter](#)

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Thursday, April 10, 2025 10:09 AM

To: Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Klotz, Michael <mklotz@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephenie Bross <sbross@sssfirm.com>; Brendan Sheehan <bsheehan@bsk.com>;

Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi

<NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs

<tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss

<mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall
<nhall@pszilaw.com>; Jeffrey M. Dine <jdine@pszilaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tanc,

Respectfully, I think that email barrages are not an efficient way to move forward. I am prepared to walk through all of the issues you, we and anyone else has in this matter. Let's try to accomplish the following:

1. Receive assurances that documents are being preserved. This was the principle issue Judge Radel focused on. And, since you raised the concern in good faith, we want to make sure that we are all comfortable that the documents are preserved.
2. Discuss whether and to what extent the Gallagher entities will or will not withdraw written objections.
3. Obtain clarification of the documents listed on the spreadsheet provided by Gallagher, as Century requested.
4. Obtain custodians and search terms for electronic records as already agreed by the parties.
5. Discuss the who will pay for the document production.
6. Discuss an appropriate method to understand Gallagher's document retention process, policies and extent, including production of policies, litigations holds, and/or custodian interviews or depositions.

Per Mr. Klotz's email (copy attached) it seems you are available to discuss these matters.

We will circulate an invite for April 15 at 2 pm ET assuming that time works for you and Mr. Kaufman.

Regards,

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>

Date: Wednesday, April 9, 2025 at 4:40 PM

To: Karen B. Dine <kdine@pszilaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Klotz, Michael <mklotz@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen A. Donato <sdonato@bsk.com>, Stephenie Bross <sbross@sssfirm.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Jesse Bair 2 <jbair@burnsbair.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd Jacobs <tjacobs@phrd.com>, James Stang <jstang@pszilaw.com>, catalina.sugayan@clydeco.us <catalina.sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>, Ilan D. Scharf <ischarf@pszilaw.com>, Nathan J. Hall <nhall@pszilaw.com>, Jeffrey M. Dine <jdine@pszilaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

It would be more efficient at this point if Gallagher is given three days to get back to the Committee in writing on whether it will withdraw its written objections and if not all of them which ones and to give us a date by which its document retention and destruction documents will be produced and the company will produce a custodian of records witness for deposition

Exhibit O

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 11:46 AM
To: Tancred Schiavoni; Klotz, Michael
Cc: Tancred Schiavoni; Karen B. Dine
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tanc,
I'm in a mediation session right now. I will respond to Michael's email shortly.

Michael,
Why are you copying Stephanie Bross?

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 11:41 AM
To: Klotz, Michael <mklotz@omm.com>
Cc: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

Either you don't understand what is going on or are deliberately taking a dive on this subpoena either way you are not living up to your duties to the Committee by abandoning moving to compel the document retention documents.

From: Klotz, Michael <mklotz@omm.com>
Sent: Wednesday, April 16, 2025 11:33 AM
To: Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephanie Bross <sbross@sssfirm.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs <tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall <nhall@pszjlaw.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

At yesterday's meet-and-confer with Gallagher, the Diocese (Brendan Sheehan) represented that it never issued a litigation hold to Gallagher and Gallagher's counsel (Alan Kaufman) confirmed that he never received one. You asked Gallagher to provide a written representation that documents have been preserved since the Committee served them with a subpoena, and Mr. Kaufman responded that he did not understand why that was

necessary. You stated that the Committee no longer plans to file a motion to compel Gallagher's document retention policies (despite having clearly stated previously that the Committee would do so), and that instead the Committee plans to review whatever written representations Gallagher makes about document preservation and then decide how to proceed. Mr. Kaufman stated yesterday that he could not guarantee that no responsive documents have been destroyed since Gallagher received the subpoena. At the April 8 hearing, Mr. Kaufman said that he does not believe that Gallagher can be compelled to institute a litigation hold, and he also stated that based upon his research no cause of action exists against a non-party for spoliation. All of this is extremely concerning and Century strongly believes that Gallagher must be required to produce its document retention policies so that we can understand its practice of preserving documents and assess what spoliation may have occurred. As I stated yesterday, among other reasons the document retention policies are relevant to determine how Gallagher handled insurance contracts in its possession and whether it had a policy to preserve them.

Mr. Kaufman said yesterday that as far as he is aware Gallagher only has one box of physical documents relating to the Diocese of Ogdensburg which it has already produced, but he acknowledged he is new to this matter. Gallagher has been the insurance broker for the Diocese for fifty years, and as I said at the meet-and-confer yesterday it would be surprising if that was the extent of the documents in its possession. I've raised several times, and said again yesterday, that Gallagher should be required to identify all repositories of documents that may be responsive to the subpoena including those in off-site storage in order to assess what documents it has that may be responsive. We have not received any response to this request and the Committee should demand that Gallagher answer the question of what documents it has in its possession and where they are.

The Diocese communicated yesterday that it has identified two potential document custodians (Harry Granger and Ed Kenyon) at Gallagher Bassett although both of these individuals are believed to be deceased. Mr. Kaufman said that he is awaiting search terms from the Diocese in order to run a search for responsive documents.

Gallagher has expressed a willingness to produce some documents from the inventory list that it produced on May 24, 2024. Mr. Kaufman said yesterday that this list is from Arthur J. Gallagher's document management system (DMS) and we discussed three documents (at rows 195, 227 and 290) that appear to be responsive to the subpoena because they reference "Excess Sexual Misconduct Confirmation of Binding with carrier – no errors 6/29," "Fiduciary and Crime submission to carrier," and "Answers to questions from TNCRRG [The National Catholic Risk Retention Group]" respectively. I asked Mr. Kaufman if we could schedule a short discussion with a person at Gallagher who is knowledgeable about their document management to explain the information on the inventory so that we can try and understand the inventory and determine what other documents are responsive. He said he is not willing to do that and noted that the Committee sent him a copy of the inventory where various documents had been highlighted for production. I communicated that this list was sent to Gallagher by the Committee without input from Century, and we have not received an explanation of how those documents were selected.

As I expressed yesterday, Century believes that selecting documents on a piecemeal basis without understanding what the documents are will be wasteful and is likely to result in unnecessary expense and additional burden for all parties. The Committee should require Gallagher to produce its document retention policies and make available a witness who is knowledgeable about its document retention practices and policies. Gallagher should be asked to identify where it stores documents that may be responsive to the subpoena (including those stored off-site) so that we can understand what documents exist.

Gallagher has asked to be reimbursed for the expense of responding to the subpoena, and yesterday you communicated that the Committee will ask Century and the Diocese to reimburse Gallagher on an equal 50%/50% basis for the cost of responding to the subpoena that the Committee itself served over Century's objection.

I'm available to discuss these issues further tomorrow at 3pm (or later) or on Monday, April 21 in the afternoon.

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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From: Klotz, Michael

Sent: Thursday, April 10, 2025 12:19 PM

To: 'Ilan D. Scharf' <jscharf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephenie Bross <sbross@sssfirm.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs <tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall <nhall@pszjlaw.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I'm available to attend the meet-and-confer for Century on April 15th at 2pm if that works for Mr. Kaufman. In my email yesterday, I requested that the Committee ask Gallagher for a written representation that a litigation hold is in place and specify when it was made effective. As a result, for point 1 below Century believes that the assurances sought should be in writing so that the record is clear. For point 6 below, I sent the Committee legal authority yesterday establishing that Gallagher's document retention policies are discoverable. The Committee has started clearly that it will move to compel Gallagher's document retention policies if they are not produced. Please let us know if this is incorrect. Judge Radel made clear at the April 8 hearing that he is concerned about spoliation, and Century strongly believes that the document retention policies should be produced and that we need to have a written record of what has happened in terms of document preservation since Gallagher received the subpoena.

For point 4 below, I've raised previously that we should ask Gallagher to identify the electronic platform they will be searching so that we know the applicable search syntax and can draft effective search terms. More fundamentally, it is important to ask Gallagher to identify all relevant document repositories—including physical off-site storage—in order to understand where responsive documents may be located. Note that request #7 of the subpoena seeks "The list of boxes, files or other documents maintained in storage associated with the Diocese of Ogdensburg." This is a straightforward request and we expect that Gallagher organizes its records by client.

We think the meet-and-confer will be most effective if you share with Mr. Kaufman the items the Committee plans to address at the meet-and-confer in advance so that he can prepare responses from his client. As Tanc requested yesterday, Gallagher should be asked to respond in writing following the meet-and-confer about whether it is withdrawing any of its objections, the date by which its document retention policies will be produced, and if it agrees to produce a custodian of records witness for deposition.

Best,

Michael

O'Melveny

Michael M. Klotz

Counsel

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Thursday, April 10, 2025 10:09 AM

To: Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Klotz, Michael <mklotz@omm.com>; csullivan@bsk.com; Stephen A. Donato <sdonato@bsk.com>; Stephenie Bross <sbross@sssfirm.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Jesse Bair 2 <jbair@burnsbair.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd Jacobs <tjacobs@phrd.com>; James Stang <jstang@pszjlaw.com>; catalina.sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>; Nathan J. Hall <nhall@pszjlaw.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tanc,

Respectfully, I think that email barrages are not an efficient way to move forward. I am prepared to walk through all of the issues you, we and anyone else has in this matter. Let's try to accomplish the following:

1. Receive assurances that documents are being preserved. This was the principle issue Judge Radel focused on. And, since you raised the concern in good faith, we want to make sure that we are all comfortable that the documents are preserved.
2. Discuss whether and to what extent the Gallagher entities will or will not withdraw written objections.
3. Obtain clarification of the documents listed on the spreadsheet provided by Gallagher, as Century requested.
4. Obtain custodians and search terms for electronic records as already agreed by the parties.
5. Discuss the who will pay for the document production.
6. Discuss an appropriate method to understand Gallagher's document retention process, policies and extent, including production of policies, litigations holds, and/or custodian interviews or depositions.

Per Mr. Klotz's email (copy attached) it seems you are available to discuss these matters.

We will circulate an invite for April 15 at 2 pm ET assuming that time works for you and Mr. Kaufman.

Regards,

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>

Date: Wednesday, April 9, 2025 at 4:40 PM

To: Karen B. Dine <kdine@pszilaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Klotz, Michael <mklotz@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen A. Donato <sdonato@bsk.com>, Stephenie Bross <sbross@sssfirm.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Jesse Bair 2 <jbair@burnsbair.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd Jacobs <tjacobs@phrd.com>, James Stang <jstang@pszilaw.com>, catalina.sugayan@clydeco.us <catalina.sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Harris Winsberg Parker Hudson Rainer Dobbs LLP <hwinsberg@phrd.com>, Ilan D. Scharf <ischarf@pszilaw.com>, Nathan J. Hall <nhall@pszilaw.com>, Jeffrey M. Dine <jdine@pszilaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

It would be more efficient at this point if Gallagher is given three days to get back to the Committee in writing on whether it will withdraw its written objections and if not all of them which ones and to give us a date by which its document retention and destruction documents will be produced and the company will produce a custodian of records witness for deposition

Exhibit P

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 7:42 PM
To: Alan Kaufman; Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher
Attachments: DIOCOFO-06 (Proposed Production) (Draft BB2) (4.3.25)[88][15].xlsx

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Date: Wednesday, April 16, 2025 at 7:40 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bshieehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold

letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara

Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so,

despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit Q

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 7:50 PM
To: Karen B. Dine
Subject: FW: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

FYI.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Date: Wednesday, April 16, 2025 at 7:48 PM
To: Tancred Schiavoni <TSchiavoni@OMM.com>
Cc: Tancred Schiavoni <TSchiavoni@OMM.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I disagree. However, in the interest of making sure that the record is clean, I welcome a detailed response. The proposals are designed to assure documents are being preserved, that we receive documents tied to the spreadsheet so there is no confusion over what we receive, to make sure we get timely production and to avoid any delay fighting over who will pay for the production.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 7:44 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Tancred Schiavoni <TSchiavoni@OMM.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

Much of what you have here is inaccurate and you know its inaccurate from other cases and public statements.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 7:41 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bshiehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris

<hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

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After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit R

Karen B. Dine

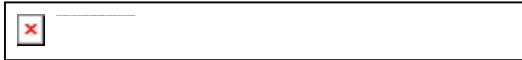
From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Wednesday, April 16, 2025 7:54 PM
To: Ilan D. Scharf; Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
alan.kaufman@nelsonmullins.com
330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017
T 212.413.9016
NELSONMULLINS.COM **VCARD** **VIEW BIO**

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 7:42 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

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Ilan D. Scharf
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To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

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Exhibit S

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:02 PM
To: Alan Kaufman; Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I appreciate that. I note that this is not a transcript. I'm trying to act in good faith to address the issues in a reasonable manner.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

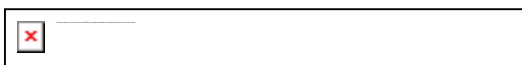
From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Wednesday, April 16, 2025 at 7:56 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
alan.kaufman@nelsonmullins.com
330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017

T 212.413.9016

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

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Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

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Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including

any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

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Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

Exhibit T

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 16, 2025 8:03 PM
To: Ilan D. Scharf; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

Even Gallagher does not agree that you email accurately reflects what they said. You never sent a deficiently letter, never nailed down what documents they maintain or how they are maintained, never got either Gallagher or the Diocese what they moved between each other and abandoned all efforts to get their document retention and destruction documents *after they told you that they had destroyed documents*. Zero progress has been made.

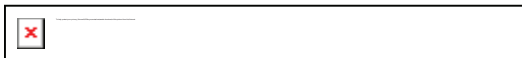
From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Wednesday, April 16, 2025 7:54 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
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Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Alan



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To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

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Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

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Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

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Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit U

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:11 PM
To: Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I don't recall that Gallagher told us that they destroyed documents. We acknowledge that documents may have been destroyed in the ordinary course of business perhaps years and decades before the subpoena was contemplated or issued. Our primary concern is that documents that exist as of the time of the subpoena have been and will be preserved. You are deliberately conflating a question about historic treatment of documents prior to issuance of the subpoena and Gallagher's obligation to respond to this subpoena. Any issues or questions regarding historic treatment of documents may be appropriate for a different time.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 8:03 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

Even Gallagher does not agree that you email accurately reflects what they said. You never sent a deficiently letter, never nailed down what documents they maintain or how they are maintained, never got either Gallagher or the Diocese what they moved between each other and abandoned all efforts to get their document retention and destruction documents *after they told you that they had destroyed documents*. Zero progress has been made.

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Sent: Wednesday, April 16, 2025 7:54 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bshiehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris

<hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
alan.kaufman@nelsonmullins.com
330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017
T 212.413.9016
NELSONMULLINS.COM **VCARD** **VIEW BIO**

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

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M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us

<Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris
<hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine
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Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf
<ischarf@pszjlaw.com>

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Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit V

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 16, 2025 8:14 PM
To: Ilan D. Scharf; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

I've called several times and you are declined to take my calls saying you are working on another matter but during the last hour I've received half a dozen lengthy emails from you.

Exhibit W

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 16, 2025 8:15 PM
To: Ilan D. Scharf; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

Enough is enough. Soon you will not remember serving a subpoena and Gallagher will be telling us they never spoke to us.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 8:11 PM
To: Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 8:03 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

Even Gallagher does not agree that your email accurately reflects what they said. You never sent a deficiently letter, never nailed down what documents they maintain or how they are maintained, never got either Gallagher or the Diocese what they moved between each other and abandoned all efforts to get their document retention and destruction documents *after they told you that they had destroyed documents*. Zero progress has been made.

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

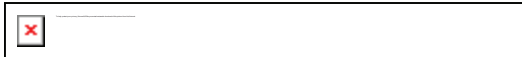
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

NEW YORK, NY 10017

T 212.413.9016

NELSONMULLINS.COM **VCARD** **VIEW BIO**

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz,

Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

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Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b)

electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

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The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. **Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

Exhibit X

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 16, 2025 8:15 PM
To: Ilan D. Scharf; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

Enough is enough. Soon you will not remember serving a subpoena and Gallagher will be telling us they never spoke to us.

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 8:11 PM
To: Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I don't recall that Gallagher told us that they destroyed documents. We acknowledge that documents may have been destroyed in the ordinary course of business perhaps years and decades before the subpoena was contemplated or issued. Our primary concern is that documents that exist as of the time of the subpoena have been and will be preserved. You are deliberately conflating a question about historic treatment of documents prior to issuance of the subpoena and Gallagher's obligation to respond to this subpoena. Any issues or questions regarding historic treatment of documents may be appropriate for a different time.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 8:03 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

Even Gallagher does not agree that your email accurately reflects what they said. You never sent a deficiently letter, never nailed down what documents they maintain or how they are maintained, never got either Gallagher or the Diocese what they moved between each other and abandoned all efforts to get their document retention and destruction documents *after they told you that they had destroyed documents*. Zero progress has been made.

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

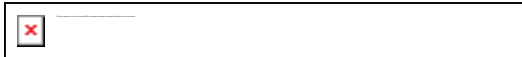
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Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

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Date: Wednesday, April 16, 2025 at 7:40 PM

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Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit Y

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:41 PM
To: Klotz, Michael
Cc: Haberkorn, Adam P.; Tancred Schiavoni; Karen B. Dine
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Michael,

I appreciate your point regarding preservation of documents. And on reflection, I agree with you regarding the suggestion that we request that all paper documents be preserved. I will amend my proposal to include a request that all paper documents have been preserved since the time the subpoena was issued.

I think that there is little chance we will come to an agreement on this matter based on the totality of the emails received from OMM.

I am trying to make sure that we have assurance documents are preserved since the subpoena was issued. I took Mr. Kaufman's refusal to represent that no documents had been destroyed since the subpoena was issued as troubling, but also potentially a result of a cautious attorney who did not want to make a representation without personal knowledge. We need him to discuss the matter with his client and figure out how to give us assurance that documents were preserved.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Klotz, Michael <mklotz@omm.com>
Date: Wednesday, April 16, 2025 at 8:15 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I am perplexed about why your request that Gallagher confirm that documents are being preserved is limited to electronic documents and the documents identified in the spreadsheet. Gallagher has worked with the Diocese for 50 years and Gallagher acknowledges they have paper documents regarding the Diocese. For the majority of the time that Gallagher has worked with the Diocese paper documents were being used not electronic documents or email. Gallagher has provided absolutely no assurance that paper documents are being preserved. The Committee stated at the April 8 hearing that it would move to compel the document retention policies if they were not produced. You said yesterday that the Committee would evaluate whether to do that based on Gallagher's written assurances that there is no spoliation. Your proposal below is now that if Gallagher provides assurances that certain electronic documents have not been destroyed since the subpoena was served that will be enough. The Committee has walked back what it has agreed to do at every step even as the concerns about spoliation have become more serious. Century strongly objects as this will not satisfy the concerns about spoliation that Judge Radel identified.

In addition, we need an answer about what documents Gallagher has in its position including paper documents. Century has repeatedly stated that the first step for the subpoena response is understanding what documents exist, where they are, and the burden involved in producing them. The Committee still has not addressed this threshold inquiry, and is instead moving to subordinate issues. You have asked Gallagher to produce documents from the inventory document that Gallagher selected even though no explanation has been provided for how they were identified.

I raised other concerns in my email yesterday that have not been addressed. I am disappointed that you chose to write to Gallagher without taking into consideration the concerns raised by Century particularly given the expressed frustration by Gallagher's counsel at yesterday's meet-and-confer that he is being pulled in different directions and wants Century and the Committee to come to a consensus on what they are seeking. Century does not agree with the plan that you outlined without our input.

I'm available to talk at 10am tomorrow for Century if you are.

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

O'Melveny & Myers LLP
1301 Avenue of the Americas, Suite 1700
New York, NY 10019
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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <cugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

NEW YORK, NY 10017

T 212.413.9016

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP

M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com <csullivan@bsk.com>; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi

<NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the

current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Sent: Friday, April 11, 2025 6:28 PM

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Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

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Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

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Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

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Exhibit Z

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:46 PM
To: Alan Kaufman; Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan,

I apologize for doing this. However, I think that given the hour you have not yet discussed this with your client. I had to correct the proposed action for topic no. 1 below as follows (changes highlighted in yellow):

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued, and (b) electronic documents are currently being preserved and (c) all paper documents responsive to the subpoena have not been destroyed since the subpoena was issued. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

For your convenience, a complete revised email incorporating the above changes is below:

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

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Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. **Reimbursement to Gallagher.**

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Date: Wednesday, April 16, 2025 at 8:19 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

We think that the previously highlighted documents are appropriate for production. My understanding of a more limited approach was to request specific documents rather than a demand to produce all the documents.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Wednesday, April 16, 2025 at 8:07 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi

<NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Understood and appreciated.

On a quick glance, it appears that the spreadsheet you sent contains the identical highlighting as the prior one, although we had discussed a more limited approach. Please let me know if there have been any reduction in the number of items highlighted and, if so, can you please send me a redline.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

330 MADISON AVENUE | 27TH FLOOR

NEW YORK, NY 10017

T 212.413.9016

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 8:02 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I appreciate that. I note that this is not a transcript. I'm trying to act in good faith to address the issues in a reasonable manner.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Wednesday, April 16, 2025 at 7:56 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich

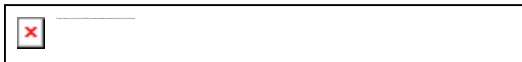
<Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell
<Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt
M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi
<NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
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330 MADISON AVENUE | 27TH FLOOR
NEW YORK, NY 10017
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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that

correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay

50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan

<bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlw.com>; Ilan D. Scharf <ischarf@pszjlw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit AA

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Wednesday, April 16, 2025 8:46 PM
To: Ilan D. Scharf; Klotz, Michael
Cc: Haberkorn, Adam P.; Karen B. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

Despite multiple written requests from us, the Committee did not ask Gallagher's lawyers to confirm what documents that they maintain associated with their work for the Dicoese, how they have been maintained or call for the agreements regarding the maintained of the documents they generated and received as Administrator of the Insurance Department and in their other capacities We asked you to do this immediately after they told you that they had destroyed documents back in October. This is really basic stuff

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 8:41 PM
To: Klotz, Michael <mklotz@omm.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Michael,

I appreciate your point regarding preservation of documents. And on reflection, I agree with you regarding the suggestion that we request that all paper documents be preserved. I will amend my proposal to include a request that all paper documents have been preserved since the time the subpoena was issued.

I think that there is little chance we will come to an agreement on this matter based on the totality of the emails received from OMM.

I am trying to make sure that we have assurance documents are preserved since the subpoena was issued. I took Mr. Kaufman's refusal to represent that no documents had been destroyed since the subpoena was issued as troubling, but also potentially a result of a cautious attorney who did not want to make a representation without personal knowledge. We need him to discuss the matter with his client and figure out how to give us assurance that documents were preserved.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Klotz, Michael <mklotz@omm.com>
Date: Wednesday, April 16, 2025 at 8:15 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I am perplexed about why your request that Gallagher confirm that documents are being preserved is limited to electronic documents and the documents identified in the spreadsheet. Gallagher has worked with the Diocese for 50 years and Gallagher acknowledges they have paper documents regarding the Diocese. For the majority of the time that Gallagher has worked with the Diocese paper documents were being used not electronic documents or email. Gallagher has provided absolutely no assurance that paper documents are being preserved. The Committee stated at the April 8 hearing that it would move to compel the document retention policies if they were not produced. You said yesterday that the Committee would evaluate whether to do that based on Gallagher's written assurances that there is no spoliation. Your proposal below is now that if Gallagher provides assurances that certain electronic documents have not been destroyed since the subpoena was served that will be enough. The Committee has walked back what it has agreed to do at every step even as the concerns about spoliation have become more serious. Century strongly objects as this will not satisfy the concerns about spoliation that Judge Radel identified.

In addition, we need an answer about what documents Gallagher has in its position including paper documents. Century has repeatedly stated that the first step for the subpoena response is understanding what documents exist, where they are, and the burden involved in producing them. The Committee still has not addressed this threshold inquiry, and is instead moving to subordinate issues. You have asked Gallagher to produce documents from the inventory document that Gallagher selected even though no explanation has been provided for how they were identified.

I raised other concerns in my email yesterday that have not been addressed. I am disappointed that you chose to write to Gallagher without taking into consideration the concerns raised by Century particularly given the expressed frustration by Gallagher's counsel at yesterday's meet-and-confer that he is being pulled in different directions and wants Century and the Committee to come to a consensus on what they are seeking. Century does not agree with the plan that you outlined without our input.

I'm available to talk at 10am tomorrow for Century if you are.

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>;

Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszilaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
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330 MADISON AVENUE | 27TH FLOOR
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From: Ilan D. Scharf <ischarf@pszilaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszilaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszilaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 11, 2025 at 6:31 PM
To: Ilan D. Scharf <ischarf@pszjlw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlw.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlw.com>
Sent: Friday, April 11, 2025 6:28 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlw.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Friday, April 11, 2025 at 6:26 PM
To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlw.com>, Ilan D. Scharf <ischarf@pszjlw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>,

Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us
<Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris
<hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine
<jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf
<ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara
Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan
J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs
<tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss
<mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M.
Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

Confidentiality Notice

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Exhibit BB

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:29 PM
To: Tancred Schiavoni; Alan Kaufman; Karen B. Dine
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Understood.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 8:20 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Alan Kaufman <alan.kaufman@nelsonmullins.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

We disagree

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 8:19 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

We think that the previously highlighted documents are appropriate for production. My understanding of a more limited approach was to request specific documents rather than a demand to produce all the documents.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP

M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Wednesday, April 16, 2025 at 8:07 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

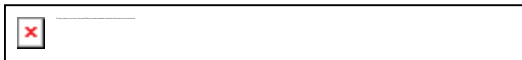
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Understood and appreciated.

On a quick glance, it appears that the spreadsheet you sent contains the identical highlighting as the prior one, although we had discussed a more limited approach. Please let me know if there have been any reduction in the number of items highlighted and, if so, can you please send me a redline.

Alan



ALAN KAUFMAN **PARTNER**

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NEW YORK, NY 10017

T 212.413.9016

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 8:02 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I appreciate that. I note that this is not a transcript. I'm trying to act in good faith to address the issues in a reasonable manner.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>
Date: Wednesday, April 16, 2025 at 7:56 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**
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From: Ilan D. Scharf <ischarf@pszjlaw.com>
Sent: Wednesday, April 16, 2025 7:42 PM
To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara

Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina Sugayan <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

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PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the “Spreadsheet”) have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century’s position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the “Highlighted Files”). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers’ comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century’s suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party’s rights to request additional production and Gallagher’s right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit CC

Karen B. Dine

From: Ilan D. Scharf
Sent: Wednesday, April 16, 2025 8:54 PM
To: Tancred Schiavoni; Karen B. Dine
Cc: Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Tanc,

You said you called my cell phone immediately after I sent an email at 7:41 pm today. However, I do not see a single missed call from you at any time today, including between 7 pm and this time. My cell number is listed below under my signature block. As noted, I can talk at 10 am.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>
Date: Wednesday, April 16, 2025 at 8:26 PM
To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>
Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

I'm on a call in another matter. I have been responding by email. And we had agreed to talk at 10 am.

I appreciate that you're trying to create a record that I'm somehow avoiding you. Please stop the games.

Regards,
Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Schiavoni, Tancred <tschiavoni@omm.com>
Date: Wednesday, April 16, 2025 at 8:13 PM
To: Ilan D. Scharf <ischarf@pszjlaw.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>, Klotz, Michael <mklotz@omm.com>
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Illan

I've called several times and you are declined to take my calls saying you are working on another matter but during the last hour I've received half a dozen lengthy emails from you.

Exhibit DD

Karen B. Dine

From: Klotz, Michael <mklotz@omm.com>
Sent: Wednesday, April 16, 2025 9:40 PM
To: Ilan D. Scharf
Cc: Haberkorn, Adam P.; Tancred Schiavoni; Karen B. Dine
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher
Attachments: In re Takata Airbag Products Liability Litigation.pdf; GenOn Mid-Atlantic LLC v Stone And Webster Inc.pdf; In re Oasis Core Investments Fund Ltd.pdf

Ilan,

I appreciate that you revised the request to Gallagher but I still don't understand why the Committee has not asked Gallagher to explain the totality of the documents that it has in its possession, custody or control and where they are located. One of the requests in the subpoena that the Committee served seeks "the list of boxes, files or other documents maintained in storage associated with the Diocese of Ogdensburg." (Request No. 7). We have had multiple meet-and-confers and still have not received an explanation of what documents Gallagher has regarding the Diocese of Ogdensburg and where they are located. This is the first question to be asked and it will be impossible to determine whether their response to the subpoena is sufficient, and whether relevant documents have been destroyed, without this information.

Century continues to assert that Gallagher should be required to produce its document retention policies given the significant record evidence of spoliation. We previously shared case law with the Committee supporting the proposition that document retention policies are discoverable (attached) and we ask the Committee to please share this case law with Gallagher in support of a request to voluntarily produce its document retention policies. Even if the Committee is unwilling to file a motion to compel we hope that the Committee will request that Gallagher's document retention policies be voluntarily produced. We would prefer to avoid motion practice on this issue and the ideal resolution would be for Gallagher to review this legal authority, change its view, and voluntarily produce its document retention policies.

Best,

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

O'Melveny & Myers LLP

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 8:41 PM

To: Klotz, Michael <mklotz@omm.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Michael,

I appreciate your point regarding preservation of documents. And on reflection, I agree with you regarding the suggestion that we request that all paper documents be preserved. I will amend my proposal to include a request that all paper documents have been preserved since the time the subpoena was issued.

I think that there is little chance we will come to an agreement on this matter based on the totality of the emails received from OMM.

I am trying to make sure that we have assurance documents are preserved since the subpoena was issued. I took Mr. Kaufman's refusal to represent that no documents had been destroyed since the subpoena was issued as troubling, but also potentially a result of a cautious attorney who did not want to make a representation without personal knowledge. We need him to discuss the matter with his client and figure out how to give us assurance that documents were preserved.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Klotz, Michael <mklotz@omm.com>

Date: Wednesday, April 16, 2025 at 8:15 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan,

I am perplexed about why your request that Gallagher confirm that documents are being preserved is limited to electronic documents and the documents identified in the spreadsheet. Gallagher has worked with the Diocese for 50 years and Gallagher acknowledges they have paper documents regarding the Diocese. For the majority of the time that Gallagher has worked with the Diocese paper documents were being used not electronic documents or email. Gallagher has provided absolutely no assurance that paper documents are being preserved. The Committee stated at the April 8 hearing that it would move to compel the document retention policies if they were not produced. You said yesterday that the Committee would evaluate whether to do that based on Gallagher's written assurances that there is no spoliation. Your proposal below is now that if Gallagher provides assurances that certain electronic documents have not been destroyed since the subpoena was served that will be enough. The Committee has walked back what it has agreed to do at every step even as the concerns about spoliation have become more serious. Century strongly objects as this will not satisfy the concerns about spoliation that Judge Radel identified.

In addition, we need an answer about what documents Gallagher has in its position including paper documents. Century has repeatedly stated that the first step for the subpoena response is understanding what documents exist, where they are, and the burden involved in producing them. The Committee still has not addressed this threshold inquiry, and is instead moving to subordinate issues. You have asked Gallagher to

produce documents from the inventory document that Gallagher selected even though no explanation has been provided for how they were identified.

I raised other concerns in my email yesterday that have not been addressed. I am disappointed that you chose to write to Gallagher without taking into consideration the concerns raised by Century particularly given the expressed frustration by Gallagher's counsel at yesterday's meet-and-confer that he is being pulled in different directions and wants Century and the Committee to come to a consensus on what they are seeking. Century does not agree with the plan that you outlined without our input.

I'm available to talk at 10am tomorrow for Century if you are.

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszilaw.com>; Schiavoni, Tancred <tschiavoni@omm.com>; Karen B. Dine <kdine@pszilaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszilaw.com>; Klotz, Michael <mklotz@omm.com>

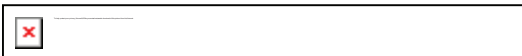
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

alan.kaufman@nelsonmullins.com

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NEW YORK, NY 10017

T 212.413.9016

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf

Pachulski Stang Ziehl & Jones LLP

M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com <csullivan@bsk.com>; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine

<jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan

J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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Exhibit EE

Karen B. Dine

From: Karen B. Dine
Sent: Thursday, April 17, 2025 11:12 AM
To: Tancred Schiavoni; Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael; Ilan D. Scharf; Sheehan, Brendan; stemes@bsk.com; Charles Sullivan; Stephen A. Donato
Subject: DOO- Gallagher Subpoena Search Terms/Custodians

Below is our proposed email to Gallagher regarding search terms and custodians. Please let us know your comments. In particular, BSK, please let us know if there are other Diocesan representatives that it would be appropriate to request them to search.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

- "Ogdensburg"
- "Diocese of Ogdensburg"
- "sexual abuse"
- "sexual misconduct"
- molest!
- sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
- indepen! w/10 reconcil! w/10 comp!

Please also search the following names:

- Father Kevin O'Brien
- Bishop Terry LaValley
- Bishop James Navagh
- Bishop Leo Smith
- Bishop Thomas Donnellan
- Bishop Stanislaus Brzana
- Bishop Paul Loverde
- Bishop Gerald Barbarito
- Bishop Robert Cunningham

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7731

Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

[vCard](#) | [Bio](#)



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Exhibit FF

Karen B. Dine

From: Klotz, Michael <mklotz@omm.com>
Sent: Thursday, April 17, 2025 11:56 AM
To: Karen B. Dine; Tancred Schiavoni; Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Ilan D. Scharf; Sheehan, Brendan; stemes@bsk.com; Charles Sullivan; Stephen A. Donato
Subject: RE: DOO- Gallagher Subpoena Search Terms/Custodians

Karen,

Century filed its motion to enforce the subpoena to Gallagher almost two months ago and since then there have been three meet-and-confers with Gallagher on April 3, 2025, April 7, 2025 and April 15, 2025. At none of these meet-and-confers has the Committee asked Gallagher whether it withdraws any of the objections it asserted on May 17, 2024 or, if it continues to assert an objection, its basis for doing so. At none of these meet-and-confers has the Committee asked Gallagher about any of the subpoena requests themselves and what documents Gallagher has that are responsive to those requests.

I have repeatedly said at the meet-and-confers and in separate correspondence that this is necessary information we must have in order to move forward, and I said the same thing at the April 8, 2025 hearing. Century objects again that it is improper and inefficient to negotiate a response to the subpoena without obtaining this basic information.

Please note that “Diocese of Ogdensburg” is misspelled below.

Michael

O’Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

O’Melveny & Myers LLP
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From: Karen B. Dine <kdine@pszjlaw.com>
Sent: Thursday, April 17, 2025 11:12 AM
To: Schiavoni, Tancred <tschiavoni@omm.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Sheehan, Brendan <bsheehan@bsk.com>; stemes@bsk.com; Charles Sullivan <csullivan@bsk.com>; Stephen A. Donato

<sdonato@bsk.com>

Subject: DOO- Gallagher Subpoena Search Terms/Custodians

Below is our proposed email to Gallagher regarding search terms and custodians. Please let us know your comments. In particular, BSK, please let us know if there are other Diocesan representatives that it would be appropriate to request them to search.

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- molest!
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- indepen! w/10 reconcil! w/10 comp!

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- Bishop James Navagh
- Bishop Leo Smith
- Bishop Thomas Donnellan
- Bishop Stanislaus Brzana
- Bishop Paul Loverde
- Bishop Gerald Barbarito
- Bishop Robert Cunningham

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

Karen B. Dine

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7731

Tel: 212.561.7700 | Cell: 917.279.7047 | Fax: 212.561.7777

KDine@pszjlaw.com

[vCard](#) | [Bio](#)



Exhibit GG

Karen B. Dine

From: Karen B. Dine
Sent: Thursday, April 17, 2025 5:40 PM
To: Klotz, Michael; Tancred Schiavoni; Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Ilan D. Scharf; Sheehan, Brendan; stemes@bsk.com; Charles Sullivan; Stephen A. Donato
Subject: RE: DOO- Gallagher Subpoena Search Terms/Custodians

Michael,

These repetitive posturing emails are not productive. We have heard your position. The Committee is trying to work with Gallagher for the timely production of relevant documents rather than engaging in costly and time-consuming litigation practice in the first instance. Notwithstanding, Gallagher's objections to the subpoenas, Gallagher produced documents that it represented it had in storage and also produced to us, following a meet and confer last May, an inventory of documents potentially responsive to the subpoena.

We believe that making demands for the withdrawal of the objections or the production of the document retention policies before engaging in a discussion about the consensual production of documents and searches for additional responsive documents is counter-productive. Gallagher has indicated a willingness to work with the Committee and parties in good faith to respond to the subpoena. However, Century's intransigence and threats to bring further legal action make it impossible for the Committee and Gallagher to reach agreement on any issue.

The Court was clear that a threshold issue was whether documents are currently being preserved and the status quo maintained. The Committee is attempting to negotiate written assurance on that point with Gallagher, but, again, Century is making it impossible to even answer that threshold question by continuing to insist that a motion to compel must be filed if it is not immediately provided the document retention policies.

While the Committee understands that documents may have been destroyed over the last 50 years, in the ordinary course, and Century has represented that its repeated references to document destruction are not meant to suggest that there has necessarily been inappropriate destruction, the Committee thinks that in the interests of actually receiving documents that the issues regarding past document retention are not the immediate concern.

Century has made clear that it is not interested in truly cooperating with the Committee for the actual production of documents but wants the Committee to accede to Century in all aspects of how to enforce the subpoena. We note the multiple repetitive emails Century has sent on just these points trying to create a record that the Committee is not actually actively attempting to enforce the subpoena as Century tries at every opportunity to undermine the Committee's ability to enforce the subpoena.

If Century is not willing to compromise in any meaningful respect in connection with the enforcement of the subpoena, perhaps, Century would be better served by seeking the discovery it wants by lifting the stay in the Adversary Proceeding rather than hijacking the Committee's efforts to enforce the subpoena.

Karen B. Dine
Pachulski Stang Ziehl & Jones LLP
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Los Angeles | San Francisco | Wilmington, DE | New York | Houston

From: Klotz, Michael <mklotz@omm.com>

Sent: Thursday, April 17, 2025 11:56 AM

To: Karen B. Dine <kdine@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Sheehan, Brendan <bsheehan@bsk.com>; stemes@bsk.com; Charles Sullivan <csullivan@bsk.com>; Stephen A. Donato <sdonato@bsk.com>

Subject: RE: DOO- Gallagher Subpoena Search Terms/Custodians

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Please note that "Diocese of Ogdensburg" is misspelled below.

Michael

O'Melveny

Michael M. Klotz

Counsel

mklotz@omm.com

O: +1-212-728-5983

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From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Thursday, April 17, 2025 11:12 AM

To: Schiavoni, Tancred <tschiavoni@omm.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <Catalina.Sugayan@clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Sheehan, Brendan <bsheehan@bsk.com>; stemes@bsk.com; Charles Sullivan <csullivan@bsk.com>; Stephen A. Donato <sdonato@bsk.com>

Subject: DOO- Gallagher Subpoena Search Terms/Custodians

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- "Diocese of Ogdensburg"
- "sexual abuse"
- "sexual misconduct"
- molest!
- sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
- indepen! w/10 reconcil! w/10 comp!

Please also search the following names:

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- Bishop James Navagh
- Bishop Leo Smith
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- Bishop Stanislaus Brzana
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- Bishop Gerald Barbarito
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KDine@pszjlaw.com

[vCard](#) | [Bio](#)



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Exhibit HH

Karen B. Dine

From: Schiavoni, Tancred <tschiavoni@omm.com>
Sent: Thursday, April 17, 2025 6:17 PM
To: Klotz, Michael
Cc: Karen B. Dine; Haberkorn, Adam P.; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; catalina.sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Ilan D. Scharf; Tancred Schiavoni
Subject: Re: DOO- Gallagher Subpoena Search Terms/Custodians

Ilan and Karen

As we have conveyed on several occasions, you are putting the cart before the horse discussing “search terms” before getting Gallagher providing information on where and how it has maintained the document generated in the course of their work for the diocese.

We urged your office to send a deficiency letter, ask for objections to be withdrawn and insist on disclosure of the document retention documents and agreements. We ever gave a very basic list of information to seek before the last call. You excused Gallagher from responding and then didn’t elicit that information in the call

Search terms in this context will only generate cherry picked documents from cherry picked sources

Sent from my iPhone

On Apr 17, 2025, at 11:56 AM, Klotz, Michael <mklotz@omm.com> wrote:

Karen,

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Please note that “Diocese of Ogdensburg” is misspelled below.

Michael

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Counsel

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From: Karen B. Dine <kdine@pszjlaw.com>

Sent: Thursday, April 17, 2025 11:12 AM

To: Schiavoni, Tancred <tschiavoni@omm.com>; Haberkorn, Adam P. <ahaberkorn@omm.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>; Ilan D. Scharf <ischarf@pszjlaw.com>; Sheehan, Brendan <bshiehan@bsk.com>; stemes@bsk.com; Charles Sullivan <csullivan@bsk.com>; Stephen A. Donato <sdonato@bsk.com>

Subject: DOO- Gallagher Subpoena Search Terms/Custodians

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We propose using the following search terms:

1. "Ogdensburg"
2. "Diocese of Ogdensburg"
3. "sexual abuse"
4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!

Please also search the following names:

8. Father Kevin O'Brien
9. Bishop Terry LaValley
10. Bishop James Navagh
11. Bishop Leo Smith
12. Bishop Thomas Donnellan
13. Bishop Stanislaus Brzana

14. Bishop Paul Loverde
15. Bishop Gerald Barbarito
16. Bishop Robert Cunningham

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

Karen B. Dine

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Exhibit II

Karen B. Dine

From: Karen B. Dine
Sent: Monday, April 21, 2025 3:15 PM
To: Alan Kaufman; Ilan D. Scharf; Tancred Schiavoni
Cc: Haberkorn, Adam P.; csullivan@bsk.com; Stephen Donato; Sara Temes; Brendan Sheehan; Timothy Burns; Siobhain Minarovich; Todd C. Jacobs; Jordan Russell; Catalina.Sugayan@clydeco.us; Matt M. Weiss; Winsberg Harris; Nathan Kuenzi; Jeffrey M. Dine; Klotz, Michael
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan, please see below regarding the proposed custodians and search terms. Additionally, we appreciate that you mention below that you would discuss the Committee's proposals for moving forward with your client. We are required to file a status report tomorrow so please let us know if you think you will have a response from your client later today or tomorrow before we file the report. Thank you.

Further to our discussions and the Committee's April 16, 2025 (8:46 pm Eastern) email, the custodians that have been identified for searching are **Harry Granger** and **Ed Kenyon**.

We propose using the following search terms:

1. "Ogdensburg"
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4. "sexual misconduct"
5. molest!
6. sex! /30 (abus! OR neglect! OR assault! OR harm! OR unlawful! OR force!)
7. indepen! w/10 reconcil! w/10 comp!
8. Sex! /10 misconduct
9. Sex! /10 abuse

Please also search the following names:

10. Father Kevin O'Brien
11. Bishop Terry LaValley
12. Bishop James Navagh
13. Bishop Leo Smith
14. Bishop Thomas Donnellan
15. Bishop Stanislaus Brzana
16. Bishop Paul Loverde
17. Bishop Gerald Barbarito
18. Bishop Robert Cunningham
19. James (Jim) Morrison
20. John Gray
21. Mike Tooley

We note that these terms may need adjustment depending on the systems to be searched and the appropriate syntax to be used. Please let us know if you would like to discuss.

Karen B. Dine

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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Sent: Wednesday, April 16, 2025 7:54 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina Sugayan <clydeco.us>; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

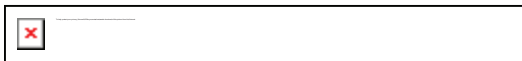
Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Ilan

While I am not agreeing that your email accurately or fully summarizes the discussion (e.g., it does not referenced issues we discussed relating to relevance, privilege and confidentiality), we can address that at another time, if need be.

For now, I will discuss your email with my client and provide a response as soon as I am able to do so.

Alan



ALAN KAUFMAN **PARTNER**

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From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Wednesday, April 16, 2025 7:42 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>; Klotz, Michael <mklotz@omm.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

The Spreadsheet is now attached. I also added Mr. Klotz to the email chain.

Ilan

Ilan D. Scharf
Pachulski Stang Ziehl & Jones LLP
M. 917-566-3054

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Date: Wednesday, April 16, 2025 at 7:40 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Counsel,

Below is an email regarding the meet and confer held on April 15, 2025. The meeting was attended by counsel to Gallagher, the Diocese, the Committee, Century, LMI and Interstate.

We addressed the below issues. The discussion includes our understanding of the parties' contentions and the Committee's proposals for moving forward. We reserve all rights to enforce the subpoena and to respond to Century's expected arguments regarding enforcement of the subpoena.

1. Document Preservation and Disclosure of Document Retention Policies and Litigation Hold.

The parties all heard Judge Radel's primary concern about assuring preservation of documents so that there is no prejudice to the parties. The Committee shares that concern. Counsel to Gallagher represented that all documents are

being preserved at this time. The Committee requested assurance in writing that documents have been preserved since issuance of the subpoena. Century's position is that Gallagher's document retention policies and any litigation hold letter must be produced. The Diocese does not believe it issued a litigation hold letter to the Diocese. Gallagher asserts that (a) it is not required to produce the document retention policies and any litigation hold letter and (b) it would be overly burdensome to provide written confirmation that documents have not been destroyed since the subpoena was issued. Gallagher represents that its document retention policies are to preserve paper documents for ten years and electronic records for seven years.

PROPOSED ACTION

The Committee proposes that Gallagher provide written confirmation that (a) documents described on the attached spreadsheet provided by Gallagher (the "Spreadsheet") have not been destroyed since the subpoena was issued and (b) electronic documents are currently being preserved. If Gallagher provides such written confirmation, then the Committee does not intend to seek to compel production of the document retention policies at this time.

2. Documents for Production (Based on the Spreadsheet).

Century takes the position that Gallagher should be required to withdraw its objections to the subpoena at this time. The Committee believes that Gallagher is approaching discovery in good faith and that the parties should continue to work together to agree on the scope and terms of the production of documents reserving the rights of all parties.

The Committee requested that certain documents listed on the spreadsheet be produced. Century's position is that more information about the spreadsheet is needed, including (a) the origin and contents of the spreadsheet, (b) whether each row represents an individual document or a list of files, and (c) whether the documents that correspond to each row are maintained electronically or are paper copies. Gallagher noted that each file has an extension and file type listed by its terms discloses the nature of the file (eg, a pdf, an email, an excel file).

Century also requested that Gallagher produce to the Committee the list of files maintained offsite at Iron Mountain and other facilities. Gallagher asserts that one box of paper documents regarding the Diocese of Ogdensburg was maintained at offsite storage and has been produced. Gallagher has indicated that documents relating to the Diocese of Ogdensburg are being preserved. At the earlier meet and confer, Gallagher suggested, subject to there being overall agreement regarding responding to the subpoena, that it would consider conducting a further search to confirm that all documents had been located.

The Committee previously proposed that Gallagher produce the files highlighted in light green on the spreadsheet (the "Highlighted Files"). Some files on the spreadsheet may be relevant in a litigation, but others clearly do not address liability issues. For example, workers' comp policies from 2016 (row 738) are not something that is relevant for the current stage of the investigation. Thus, we recognize that for purposes of the subpoena at this time, a targeted approach to the production of documents from the spreadsheet is appropriate.

The Committee proposes that the Century identify specific documents in addition the Highlighted files that it proposes Gallagher produce. To the extent Century has specific questions about the list, please provide them to Gallagher and the Committee. At the meeting, Century identified three rows that it believes need clarification, including rows 290, 227 and 195. We note that all these rows are included in the Highlighted Files requested by the Committee.

PROPOSED ACTION:

After addressing any remaining questions or issues of Century regarding the spreadsheet, to the extent, the documents are not Highlighted Files already requested, the Committee will ask Gallagher to produce the Highlighted Files (including any additional files that may be added at Century's suggestion). We ask that the files be produced with reference to the corresponding row on the Spreadsheet to allow all parties to cross-reference the production in an efficient manner. All parties reserve right regarding further document requests, including any party's rights to request additional production and Gallagher's right to object to additional production.

We do not see utility of engaging in discussion about requested files to be produced with reference to the corresponding row. We will be able to ask questions about the documents after they have been produced and reviewed. Engaging in questions about the documents posed in a vacuum without the benefit of the documents is not an efficient use of time.

3. Production of Electronic Documents.

At the meeting, counsel for the Diocese disclosed its belief that Harry Granger and Ed Kenyon are the appropriate custodians.

PROPOSED ACTION:

We will circulate a proposed search terms to the insurers and the Diocese. Subject to review of any suggestions, we will provide the list to Gallagher.

4. Reimbursement to Gallagher.

Gallagher asserts that it is entitled to reimbursement of reasonable costs of document production.

PROPOSED ACTION:

The Committee proposed that the Diocese and Century split the cost of reimbursement of reasonable costs and expenses to Gallagher of document production. We understand that Century is not a proponent of the subpoena. However, it is the beneficiary of the document production. If Century refuses to pay, we will ask the Court to revisit the order authorizing Century's participation in the subpoena process to include a requirement that Century pay 50% of any reimbursement of Gallagher's reasonable costs and expenses. This issue was not addressed in the order and is a recent request by Gallagher.

Ilan D. Scharf
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M. 917-566-3054

From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:31 PM

To: Ilan D. Scharf <ischarf@pszjlaw.com>, Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

As is/does AJG and GB.

From: Ilan D. Scharf <ischarf@pszjlaw.com>

Sent: Friday, April 11, 2025 6:28 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Tancred Schiavoni <TSchiavoni@OMM.com>; Karen B. Dine <kdine@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: Re: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

The Committee is proceeding in good faith. I expect others to do the same.

Ilan D. Scharf
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From: Alan Kaufman <alan.kaufman@nelsonmullins.com>

Date: Friday, April 11, 2025 at 6:26 PM

To: Tancred Schiavoni <TSchiavoni@OMM.com>, Karen B. Dine <kdine@pszjlaw.com>, Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>, csullivan@bsk.com <csullivan@bsk.com>, Stephen Donato <donatos@bsk.com>, Sara Temes <temess@bsk.com>, Brendan Sheehan <bsheehan@bsk.com>, Timothy Burns <tburns@burnsbair.com>, Nathan J. Hall <nhall@pszjlaw.com>, Siobhain Minarovich <Minarovichs@whiteandwilliams.com>, Todd C. Jacobs <tjacobs@phrd.com>, Jordan Russell <Jordan.Russell@clydeco.us>, Catalina.Sugayan@clydeco.us <Catalina.Sugayan@clydeco.us>, Matt M. Weiss <mweiss@phrd.com>, Winsberg Harris <hwinsberg@phrd.com>, Nathan Kuenzi <NKuenzi@burnsbair.com>, Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Suffice it to say I disagree with the mischaracterizations of our prior discussions and/or the discussion at the hearing.

If all parties want to meet-and-confer in good faith, we are open to doing so, but it seems like that it may not be the case, unfortunately.

From: Schiavoni, Tancred <tschiavoni@omm.com>

Sent: Friday, April 11, 2025 6:20 PM

To: Alan Kaufman <alan.kaufman@nelsonmullins.com>; Karen B. Dine <kdine@pszjlaw.com>; Ilan D. Scharf <ischarf@pszjlaw.com>

Cc: Haberkorn, Adam P. <ahaberkorn@omm.com>; csullivan@bsk.com; Stephen Donato <donatos@bsk.com>; Sara Temes <temess@bsk.com>; Brendan Sheehan <bsheehan@bsk.com>; Timothy Burns <tburns@burnsbair.com>; Nathan J. Hall <nhall@pszjlaw.com>; Siobhain Minarovich <Minarovichs@whiteandwilliams.com>; Todd C. Jacobs <tjacobs@phrd.com>; Jordan Russell <Jordan.Russell@clydeco.us>; Catalina.Sugayan@clydeco.us; Matt M. Weiss <mweiss@phrd.com>; Winsberg Harris <hwinsberg@phrd.com>; Nathan Kuenzi <NKuenzi@burnsbair.com>; Jeffrey M. Dine <jdine@pszjlaw.com>

Subject: RE: The Roman Catholic Diocese of Ogdensburg, New York - Subpoena to Gallagher

Alan

This is very simple. Will Gallagher produce its document retention and destruction policy documents, the litigation hold communications that Gallagher received from the Diocese and the litigation hold that Gallagher

put in place if any? We need these documents to target searches.. If Gallagher is are refusing to do so, despite hearing the Judge's views, this portion of the meet and confer is over and a motion can go forward on this issue. Please stop stonewalling. Will Gallagher change its position and comply, Yes – No?

In the calls that have taken place, you have professed to take the position that you don't know anything whatsoever about what documents Gallagher has retained, where these documents stored, how they are catagolued or what objections you will withdraw. Any objective observer could only think that you've been drawing out the time through one ruse or another.

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